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Intellectual Property Law

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TO: Rosalind V. Smith, Legal Instruments Examiner
USPTO FACSIMILE NO.: (703) 872-9306
USPTO REFERENCE: Applicant: van der Burg, et al.
Serial No.: 10/674,553
Filed: September 30, 2003
Title: METHOD AND DEVICE FOR LEFT ATRIAL
APPENDAGE OCCLUSION
ATTORNEY: Sabin H. Lee
PHONE NO.: (949) 721-6360
ATTORNEY DOCKET NO.: MVM DINC.1 CP1 C3
TOTAL PAGES: 3 (INCLUDING COVER SHEET)
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DATE: March 10, 2005

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MESSAGE: *Attached for filing in the above-referenced application are:*RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT OF
FEBRUARY 11, 2005 IN TWO PAGES1331815_1
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MVMDINC.1CP1C3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : van der Burg, et al.
App. No. : 10/674,553
Filed : September 30, 2003
For : METHOD AND DEVICE FOR
LEFT ATRIAL APPENDAGE
OCCLUSION
Examiner : Unknown

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(703) 872-9386 on the date shown below:

March 10, 2005
(Date)
Sabir H. Lee, Reg. No. 41,445

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT OF FEBRUARY 11, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On February 11, 2005, the Legal Instruments Examiner mailed a Notice of Non-Compliant Amendment in the above-captioned case. The Notice says, "The amendment filed on 9/30/03 is considered non-compliant" In addition, the Notice says, "As of July 30, 2003, all continuing data must be on or in a Pre-Amendment[;] can no longer be part of Transmittal Letter."

The above-captioned application was filed on September 30, 2003 with a Notice of Copending Applications, but there was no amendment filed in this case on that date. A preliminary amendment was filed on February 6, 2004, but that amendment did not amend the application's priority claim. The priority claim for the application was provided in the originally-filed specification of the application, and has not been amended.

The Applicants believe that perhaps the Legal Instruments Examiner erroneously considered the Notice of Copending Applications filed with the application to be an amendment to the priority claim, and that this was the basis for sending the Notice of Non-Compliant


Amendment. However, the Notice of Copending Applications was provided only to inform the Examiner of information related to copending U.S. Patent Applications. See MPEP § 2001.06(b).

Therefore, since there was no amendment filed in this case on September 30, 2003, the Applicants respectfully request withdrawal of the Notice of Non-Compliant Amendment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-10-05

By: 
Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

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